



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 14, 1996

Mr. Robert J. Gervais  
Assistant City Attorney  
Legal Department  
City of Galveston  
P.O. Box 779  
Galveston, Texas 77553-0779

OR96-0955

Dear Mr. Gervais:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40014.

The City of Galveston (the "city") has received a request for the dispatch log and "all information available" pertaining to a traffic accident involving a police officer and the requestor's insured. You contend that the information should be protected from disclosure under sections 552.103 and 552.108 of the Government Code.

Section 552.108 excepts from disclosure:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . .
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . .

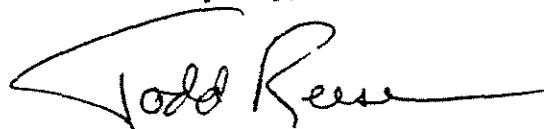
When applying section 552.108, this office distinguishes between information relating to cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co.*

*v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976) at 3-4. Once a case is closed, however, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." See Open Records Decision No. 553 (1990) at 4 (and cases cited therein).

You state that the city is currently investigating this case and that DWI charges are pending against the requestor's insured. We have examined the information at issue and conclude that, except for "first page offense report" material contained therein, which *Houston Chronicle* held to be open, you may withhold it under section 552.108. See *Houston Chronicle Publishing Co*; Open Records Decision No. 127 (1976).<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 40014

Enclosures: Submitted documents

cc: Mr. Ken Tipton  
Claims Investigation Associates  
P.O. Box 42133  
Houston, Texas 77242-2133  
(w/o enclosures)

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<sup>1</sup>As we resolve this matter under section 552.108, we need not address your assertion that section 552.103 excepts the requested information from required public disclosure.